

S T A T E O F N E W Y O R K
COUNTY OF JEFFERSON

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#620

Area Variance to increase the minimum parking and loading
setback in a Commercial District
-----x

ZONING BOARD OF APPEALS

PUBLIC HEARING

#621

Area Variance to reduce the minimum first floor front façade
transparency requirement in an Urban Mixed Use District
-----x

ZONING BOARD OF APPEALS

PUBLIC HEARING

#622

Area Variance to increase the lot coverage maximum in an
Industrial District
-----x

ZONING BOARD OF APPEALS

PUBLIC HEARING

#623

Use Variance to allow front-yard parking in an Industrial
District
-----x

245 Washington Street
Watertown, New York 13601
Wednesday, July 15, 202

B E F O R E:

Chairperson:

James Corriveau

Board Members:

Adam Ruppe
Lance Evans
Anthony Vasquez

Senior Planner:

Geoffrey Urda

City Planner:

Joseph Albinus

City Attorney:

Joseph V. Frateschi, ESQ.

REPORTED BY:

Tiffany-Jo Ponce, RPR
Court Reporter

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1 CHAIRPERSON CORRIVEAU: All right. It's 7:00.
2 And as the ZBA chair, I want to call the meeting to
3 order.

4 We'll start with the roll call.

5 Anthony Vasquez?

6 MR. VASQUEZ: Present.

7 CHAIRPERSON CORRIVEAU: Lance Evans?

8 MR. EVANS: Here.

9 CHAIRPERSON CORRIVEAU: And myself, James
10 Corriveau. We have a quorum. Adam may show up and join
11 us. We'll see, or we'll drive on.

12 For the staff present tonight, we've got our
13 Senior Planner Geoff Urda, City Planner Joe Albinus,
14 Attorney Joe Frateschi, and our court reporter,
15 Tiffany Ponce.

16 And I want to begin by reading our public
17 notice for the hearing tonight.

18 Notice of Public Hearing is requested
19 variances of the Zoning Ordinance of the City of
20 Watertown, New York.

21 Notice is hereby given that the Zoning Board
22 of Appeals of the City of Watertown, New York, will meet
23 on July 15, 2026, at 7 p.m. in the City Council Chambers
24 on the Third Floor of City Hall for the purpose of
25 hearing four variance requests.

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1 Variance Request Number 620 is for the
2 property located at 111 Breen Avenue, being Parcel
3 Number 8-01-214.100, submitted by Puccia Olive Oil
4 Company, LLC, to reduce the minimum parking setback.

5 Variance Request Number 621 is for the
6 property located at 440 State Street, being Parcel
7 Number 12-03-220.300, submitted by 454 State Street NNY,
8 LLC, to reduce the minimum ground floor front façade
9 transparency.

10 Variance Request Numbers 622 and 623 are for
11 the property at 268 Bellew Avenue South, being Parcel
12 Number 9-43-105.000. Variance Request Number 622 is to
13 increase the maximum lot coverage. Variance Request
14 Number 623 is to allow front yard parking.

15 The hearing may be adjourned, if necessary.
16 The meeting's open to the public. Copies of the above
17 request are available for public inspection by
18 contacting the planning department at (315)785-7741 or
19 by email at planning@watertown-ny.gov.

20 So I'll start by asking for a motion to open
21 the public hearing.

22 MR. EVANS: So moved.

23 MR. VASQUEZ: Second.

24 CHAIRPERSON CORRIVEAU: All in favor?

25 MR. RUPPE: Yes.

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1 MR. EVANS: Aye.

2 MR. VASQUEZ: Aye.

3 CHAIRPERSON CORRIVEAU: We'll start, then,
4 with Number 620, 111 Breen Avenue.

5 This is an area variance to reduce the maximum
6 parking setback along the street right-of-way in a
7 commercial district. The ordinance calls for a minimum
8 20-foot setback. The applicant's submission states the
9 proposed setback ranges from 10.2 down to 7.4 feet.

10 So I would invite our applicant to come up and
11 present their position. Give us your name and address,
12 and tell us why we've got to do this.

13 TOM ROSS: All right. Good afternoon,
14 everyone. Tom Ross, Storino Geomatics, 165 Mullin
15 Street.

16 So we've been in with this project before, if
17 you recall, with the landscape buffer requirements.

18 MR. URDA: You might be too tall for the
19 microphone.

20 TOM ROSS: Is that better?

21 MR. URDA: Yeah.

22 TOM ROSS: All right. So we all missed one
23 additional variance. The variance request is for the
24 front yard setback of the parking area. The zoning
25 requires 20 feet. This area of the city, as you guys

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1 have looked over, the adjoining parking lot is much
2 closer than that, so we're trying to match that and
3 still utilize, obviously, the cross connection for that.

4 So it -- everybody kind of missed this through
5 the process when we submitted the previous variances.
6 This is just kind of cleaning up. There was a comment
7 through site plan approval to get this taken care of.

8 So I think it maintains the characteristic of
9 the neighborhood and will allow the project to move
10 forward.

11 CHAIRPERSON CORRIVEAU: Any questions? Or
12 vote on this?

13 MR. VASQUEZ: No.

14 MR. EVANS: Can you just clarify where the
15 easement actually is on here? Pretend I'm not an
16 engineer.

17 TOM ROSS: Yes. So the margin is right here.
18 It's kind of this dark line, the street margin, DOT
19 margin here on Arsenal Street. So we're 7.5 feet here
20 with the angle, and then here is the 10.2 I had, so it
21 kind of angles -- it angles away from the margin here to
22 10.2.

23 MR. URDA: I should have told you you can walk
24 with the microphone, too.

25 TOM ROSS: Okay. So, yeah, we're 7 and a half

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1 feet here from the margin of Arsenal, 10.2 here, and
2 that's just simply to be able to tie into the adjoining
3 parking lot with the cross access agreements that we
4 talked about a couple months ago now at this point to
5 allow for daytime use for Marcy in this parking lot and
6 then nighttime use and access from Arsenal here, as we
7 also discussed.

8 MR. EVANS: Okay.

9 MR. URDA: So just so the board members know,
10 when you get your decision form later, because this
11 space is half on one parcel and half on the other, when
12 I wrote up the decision form, I wrote it as 7 because I
13 measured from that corner of that space, just to be on
14 the safe side of that.

15 MR. EVANS: So it has nothing to do with Breen
16 Avenue, then, at all. It's just Arsenal, just the
17 Arsenal portion?

18 MR. URDA: Right.

19 MR. EVANS: Okay. Thank you.

20 CHAIRPERSON CORRIVEAU: Adam, questions?

21 MR. RUPPE: Just briefly, this is the same
22 plan we looked at before, just a minor oversight?

23 MR. URDA: That's correct. Staff, quite
24 honest -- I'm going to talk without the microphone and
25 I'll just talk loud.

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1 When the applicant applied for their
2 landscaping variance, Staff probably should have caught
3 the need for this parking setback variance then, but we
4 didn't. We caught it at the site plan review stage, and
5 that's why the applicant is back here tonight.

6 TOM ROSS: The applicant probably should have
7 caught it, too, but we did not either, so ...

8 CHAIRPERSON CORRIVEAU: Without the variance,
9 you lose those five spaces. If you were to push that
10 back 20 feet, you wouldn't have any parking in that row.

11 TOM ROSS: That's correct.

12 CHAIRPERSON CORRIVEAU: Okay. Any other
13 questions for the applicant?

14 MR. EVANS: Just give me ...

15 No, thanks.

16 CHAIRPERSON CORRIVEAU: Okay. Thank you.

17 TOM ROSS: Thanks.

18 CHAIRPERSON CORRIVEAU: At this time, I would
19 like to invite any of the neighboring property owners of
20 the public to speak in this regard if they're here.

21 Seeing none, I'd ask for a motion and a second
22 to close this portion of the public hearing.

23 MR. EVANS: So moved.

24 MR. VASQUEZ: Second.

25 CHAIRPERSON CORRIVEAU: All in favor?

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1 MR. RUPPE: Aye.

2 MR. VASQUEZ: Aye.

3 CHAIRPERSON CORRIVEAU: All right. And now
4 we'll call for a vote to address this area variance,
5 620, parking setback.

6 We'll start with you, Adam.

7 MR. URDA: For any future readers of the
8 transcript, this is the granting of an individual lot
9 line or setback variance and is, therefore, a Type 2
10 action under SEQOR, for our folks in the future reading
11 that transcript.

12 CHAIRPERSON CORRIVEAU: What you say, Adam?

13 MR. RUPPE: Since it's part of the same plan,
14 the same logic as last time applies. There's no
15 undesirable change. It won't get the benefit without
16 the variance. It's not -- moderately substantial, but
17 not too bad. There will be no adverse affects on the
18 neighborhood or district, and I wouldn't even call it
19 really self-created.

20 So I'm saying yes.

21 CHAIRPERSON CORRIVEAU: Lance?

22 MR. EVANS: I have a whole speech. Do I read
23 that or just say my decision?

24 I -- I agree with Adam. I think that it
25 definitely hits the five questions. Mr. Ross said that

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1 the difficulty is self-created. My only hang-up was --
2 was on why this wasn't done before, but you answered
3 that question, so I thank you there.

4 So I -- I believe that I can live with the
5 variance and vote yes.

6 CHAIRPERSON CORRIVEAU: Anthony?

7 MR. VASQUEZ: Yes. Given the fact that this
8 was a previously reviewed plan with multiple variances
9 approved in the past and no changes being made, other
10 than the addition of this variance, I am in favor.

11 CHAIRPERSON CORRIVEAU: And I'll vote yes as
12 well, so the variance has been approved.

13 TOM ROSS: Thank you.

14 CHAIRPERSON CORRIVEAU: So let's move on to
15 Number 621, 440 State Street.

16 This is an area variance to decrease the
17 minimum ground floor front façade transparency in the
18 urban mixed-use district. The zoning ordinance calls
19 for a 40 percent minimum. The applicant's submission
20 shows 31 percent.

21 MR. URDA: Sorry, Kayla. I made Tom raise the
22 microphone.

23 KAYLA KIBLING: That's all right.

24 Good evening. Kayla Kibling from Barton &
25 Loguidice returning again regarding the State Street

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1 Jumpin Goat site.

2 During the site plan review, it was -- it was
3 caught that we were under the transparency requirement
4 for the front façade of the building. That requirement
5 is 40 percent, and we're proposing 31 percent. Without
6 this variance, it would need significant changes to the
7 architectural design of the building.

8 And, you know, the Jumpin Goat is becoming a
9 franchise, and they're really trying to go in a formal,
10 so that would be a burden on the design and what they're
11 trying to do with the plan.

12 CHAIRPERSON CORRIVEAU: Any questions from the
13 board?

14 Go ahead, Anthony. You can start.

15 MR. VASQUEZ: I have no specific questions.

16 CHAIRPERSON CORRIVEAU: Lance?

17 MR. EVANS: I always have questions.

18 What would be -- what would be the -- the
19 harsh or -- why -- why can't you just add a dormer or a
20 transom above the serving window, like looking at the
21 north elevation, which, I assume, is the one that faces
22 the street? That would probably take care of most of
23 your issue, if not all of it. With the modification, I
24 could probably say, you know, if we could get to 37 or
25 38 percent or something, but ...

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1 I don't know what's behind that wall either,
2 so ...

3 CHARLES OLIVER: Good evening. Charles
4 Oliver, I'm here -- I'm here for the Jumpin Goat. I'm
5 currently building the one in Carthage.

6 Behind that is trusses. Below that is a drop
7 ceiling where all the mechanicals, electrical, duct
8 work, all that stuff. So to simply just put a dormer in
9 there, it's pretty challenging, or a window.

10 Left and right, there's plumbing and
11 electrical. So this building was designed specifically
12 for equipment layout. It's very specific to our
13 operations to make everything efficient, make it faster,
14 to make it better for the customer, we keep those lines
15 down and to just make it more efficient at the end of
16 the day.

17 One other thing is we're trying to drive that
18 traffic to that front window, the foot traffic. That's
19 why we also put that front window there. No different
20 than the side windows, right. So to try to redesign
21 that whole front, it's going to be very challenging, as
22 Kayla has mentioned.

23 And we're trying to make these all alike.

24 We're trying to head down the franchise route, so it's
25 going to be tough to try to -- and I even tried to -- so the

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1 window's 10-foot long. The building's only 16-foot wide, so
2 you've got essentially 3 foot on each side for the
3 mechanicals and electricals and stuff like that. And to try
4 to get another window even on the sides to try to make that
5 footprint wider, I've looked at it. It's very challenging,
6 at that. You still need, obviously, structural studs in
7 there, for lack of better terms, to obviously hold up.

8 MR. EVANS: I mean, with respect, every -- not
9 every McDonald's looks the same, to talk about
10 franchises, or not every Burger King looks the same.
11 They have to build at the local rules and the local --
12 and that sort of thing.

13 CHARLES OLIVER: Right.

14 MR. EVANS: So not every Jumpin Goat may look
15 the same either. I mean, I understand the issue and how
16 they're trying to make them look as close to each other
17 as possible.

18 CHARLES OLIVER: Right.

19 MR. EVANS: But this has been on the books for
20 three and a half years or so, at least this portion,
21 because this was February of '23 that that was changed.
22 So this has been on the books, so it's not like, you
23 know, you're building an existing building either. This
24 is a brand-new build.

25 CHARLES OLIVER: Right.

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1 KAYLA KIBLING: Yeah. So my understanding is
2 if it -- of the transparency requirement as well is
3 designed for buildings that -- you know, we already
4 asked for a variance for the, I think, minimum setback
5 to the sidewalk. And given that we were trying to
6 maximize the vehicle pathways on the site and the
7 traffic -- interior traffic patterns, that's why we
8 requested that variance.

9 Going back to that, with those buildings being
10 closer to the road, we want that -- you know, a larger
11 transparency. It's inviting to have a window versus
12 just a solid side for people traveling, you know,
13 walking on the sidewalk and going to the building. In
14 this case, we're further back. We're really trying to
15 maximize the number of cars on the site.

16 And, again, with -- with this window up front,
17 we're also trying to add that pedestrian -- you know,
18 customers as well, they can walk up to the window.

19 MR. EVANS: The fact to me is the joining
20 75 percent of the -- well, 77 percent of the standard of
21 what they're asking -- you know, what the regulation
22 asks for. So I would suggest going back to the drawing
23 board and seeing what you could do, but I'll wait to
24 hear what other people think.

25 CHAIRPERSON CORRIVEAU: Questions, Adams?

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1 MR. RUPPE: No. I was thinking the same
2 thing, if the windows could be a little bit taller and
3 closer to the ground, that might get you close, but you
4 know a lot more about engineering and architecture than
5 I do.

6 CHAIRPERSON CORRIVEAU: I found this one very
7 interesting. I mean, this transparency in the urban
8 mixed-use façade is intended to bridge the physical
9 boundary between the interior space and the public
10 realm, provides visual interest to pedestrians, fosters
11 civic engagement, and promotes urban safety through,
12 quote, eyes on the street, end quote. The functioning
13 transparent envelopes maximize daylighting and optimize
14 indoor/outdoor spatial connections. Some fancy words.

15 However, with this project, we're 67 feet back
16 from the sidewalk that the county approved, and so to --
17 the easement of the sidewalk takes a good eye, and that
18 diminishes the effectiveness and the rationale for a
19 façade transparency, in my mind.

20 When I look at the design you've got there in
21 that lower -- I think it's 3 feet of that fake stone
22 façade, no one's going to put a window on that. Okay.
23 It doesn't make sense down by the ground. And when you
24 discount that space and look at the rest of the façade,
25 you know, your percentage goes up quite a bit. And when

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1 you were just talking about that window, it's 10 feet
2 wide. The building's 16 feet wide. You use those two
3 numbers. You've got a 62 percent transparency, just
4 across that one dimension. I realize that's not how the
5 code's actually written, but it, nonetheless, presents
6 quite a bit of transparency across the front of that
7 building.

8 So I don't have any questions for you.

9 Anything else you want to add?

10 CHARLES OLIVER: So, like, that 36-inch fake
11 stone façade, so if you go on the inside of that
12 building, that's where the countertop height's at. Like
13 I said, I can't go lower. I can't go higher because of
14 the ceiling, the mechanicals and stuff like that up in
15 the ceiling.

16 And then you can't go left and right. I mean,
17 I've already taken, we'll call it, a foot away from
18 these sidewalls, right. So out of that 16 feet, now
19 you're down to 15 feet. Still got to have some room for
20 some stuff in that wall to hold up something, right.

21 That's where I -- I went back to the drawing
22 board, too. Before we had this meeting, I went back and
23 I tried to -- because all these windows are Ready
24 Access. So you go to Ready Access. They already have
25 them prebuilt, pre-specked. I go to them, and this is

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1 the biggest window I can get. I can't get -- besides
2 adding another side window, but without redesigning the
3 whole building, I can't make that much bigger,
4 unfortunately.

5 And if I make the whole building wider, right,
6 I've still got to have room for stops and studs in there
7 and supporting structures and stuff like that. So I
8 think we'd be back in the same boat. We can make the
9 building wider, yes, but to make -- allow for that
10 window, it's ...

11 CHAIRPERSON CORRIVEAU: If you make the
12 builder the wider, the window's got to be bigger, too.

13 CHARLES OLIVER: Right. So we're back in the
14 same boat.

15 CHAIRPERSON CORRIVEAU: Okay. Thank you.
16 Thank you.

17 Is there anybody else from the public or
18 adjoining properties that wants to speak to this?

19 Okay. Well, hearing none, I would ask for a
20 motion and a second to close this portion of the public
21 hearing.

22 MR. VASQUEZ: So moved.

23 MR. RUPPE: Second.

24 CHAIRPERSON CORRIVEAU: All in favor?

25 MR. EVANS: Aye.

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1 MR. RUPPE: Aye.

2 MR. VASQUEZ: Aye.

3 CHAIRPERSON CORRIVEAU: Aye. Okay.

4 And the next step is to read through our SEQR
5 Short Form Part 2 variance for this petition.

6 Will the proposed action create a material
7 conflict with the adopted land use plan or zoning
8 regulations?

9 I heard no and yes.

10 MR. VASQUEZ: No.

11 CHAIRPERSON CORRIVEAU: I guess I'll check
12 them both for now with weight on the "no" side.

13 Will the proposed action result in a change in
14 the use or intensity of use of the land?

15 MR. EVANS: No.

16 MR. VASQUEZ: No.

17 CHAIRPERSON CORRIVEAU: Will the proposed
18 action impair the character or quality of the existing
19 community?

20 MR. VASQUEZ: No.

21 MR. EVANS: No.

22 CHAIRPERSON CORRIVEAU: Will the proposed
23 action have an impact on the environmental
24 characteristics that cause the establishment of a
25 critical environmental area?

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1 MR. EVANS: No.

2 MR. VASQUEZ: No.

3 CHAIRPERSON CORRIVEAU: Will the proposed
4 action result in an adverse change in the existing level
5 of traffic or affect existing infrastructure for mass
6 transit, biking, or walkway? No.

7 MR. VASQUEZ: No.

8 MR. EVANS: No.

9 CHAIRPERSON CORRIVEAU: Will the proposed
10 action cause an increase in the use of energy and it
11 fails to incorporate reasonably available conservations
12 or renewable energy opportunities?

13 MR. EVANS: No.

14 CHAIRPERSON CORRIVEAU: No.

15 Will the proposed action impact existing
16 public/private water supplies? Public/private
17 wastewater treatment facilities? No.

18 MR. VASQUEZ: No.

19 CHAIRPERSON CORRIVEAU: Will the proposed
20 action impair the character or quality of important
21 historic, archaeological, or architectural or aesthetic
22 resources?

23 MR. VASQUEZ: No.

24 CHAIRPERSON CORRIVEAU: No.

25 Will the proposed action result in an adverse

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1 change to natural resources: Wetlands, Waterbodies,
2 groundwater, air quality, flora, and fauna?

3 MR. VASQUEZ: No.

4 MR. EVANS: No.

5 CHAIRPERSON CORRIVEAU: No.

6 Will the proposed action result in an increase
7 in the potential for erosion, flooding, or drainage
8 problems? No.

9 MR. VASQUEZ: No.

10 CHAIRPERSON CORRIVEAU: And, lastly, will the
11 proposed action create a hazard to environmental
12 resources or human health?

13 MR. VASQUEZ: No.

14 MR. EVANS: No.

15 CHAIRPERSON CORRIVEAU: No.

16 Okay. I guess I'll ask now for a motion and a
17 second to make a negative declaration pursuant to SEQR
18 requirements.

19 MR. RUPPE: Yeah. I vote that we make a
20 negative declaration for the SEQR.

21 MR. VASQUEZ: Second.

22 CHAIRPERSON CORRIVEAU: All in favor?

23 MR. EVANS: Aye.

24 MR. VASQUEZ: Aye.

25 CHAIRPERSON CORRIVEAU: Aye. Okay.

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1 And now we'll call for a vote to address the
2 area variance of 621, the front façade transparency
3 requirement.

4 We'll start with Adam.

5 MR. RUPPE: On the five tests: There's the
6 undesirable change? No. I don't think so.

7 And the big question I had was if the benefit
8 could be achieved by some other method feasible, and
9 based on the testimony tonight, I believe, no, you
10 cannot.

11 And is the variance substantial? Somewhat,
12 but not enormously.

13 Will it have an adverse effect on the
14 environmental conditions of the neighborhood? No.

15 And is it self-created? To some extent, yes,
16 but it's required for this business; therefore, I vote
17 yes.

18 CHAIRPERSON CORRIVEAU: Anthony?

19 MR. VASQUEZ: I'll chip in with what Adam says
20 as well. I don't see a significant impairment. I think
21 the variance is somewhat negligible. Options are
22 limited with little negative impact on the neighborhood.
23 So I am in favor.

24 CHAIRPERSON CORRIVEAU: Lance?

25 MR. EVANS: This is an area variance to

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1 increase the minimum ground floor front façade
2 transparency at the proposed Jumpin Goat drive-through
3 at 440 State Street.

4 The standard calls for a 40 percent
5 transparency, where the applicant shows a 31 percent
6 transparency. I agree with the applicant that the
7 request will not change the character of the
8 neighborhood, nor will there be a physical environmental
9 impact.

10 However, I believe that they can make the
11 primary window bigger and/or add in a transom dormer in
12 the front to allow the project to meet or come close to
13 the 40 percent standard.

14 As to whether it's substantial, the request,
15 if granted, the transparency right now is only
16 77.5 percent of the requirement, so this, to me, is a
17 substantial change. If it had been slight, I might have
18 been of a different opinion.

19 Finally, on the question of whether the
20 difficulty is self-created, it most definitely is. This
21 is a brand-new construction on any empty parcel. It is
22 not a reuse of an existing structure or property. And
23 when designed, the 40 percent standard for a mixed-use
24 property was known and in place. The building should
25 have been designed with that in mind.

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1 I vote no on the variance. The applicant
2 should make the changes to meet the 40 percent
3 transparency. Again, a larger window or add in a
4 transom dorm window above the primary window would allow
5 the standard to be met.

6 CHAIRPERSON CORRIVEAU: Okay. Area variance
7 considerations, quoted out of our ordinance, you know,
8 you've got to weigh the benefit to the applicant if the
9 variance is granted as weighted against the detriment of
10 the health, safety, and welfare of the neighborhood or
11 community. That's the test that we wrestle with.

12 And I know there's five elements. Whether an
13 undesirable change may be produced in the character of
14 the neighborhood, I don't think so.

15 Whether the benefit sought by the applicant
16 can be achieved by some method feasible for the
17 applicant to pursue other than the area variance. I
18 think anything's possible, but as you've shown tonight,
19 it's going to take quite an effort, knowing what you've
20 got going on inside that building.

21 Whether the requested area variance is
22 substantial. This is often looked at as a numeric
23 percent variance. You know, you need 25 percent,
24 50 percent, 100 percent variance. To me, substantial,
25 the word, implies the impact of that. If that window

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1 were bigger, what you got right in the drawing, is it
2 going to make a difference?

3 Will the proposed variance have an effect on
4 the impact of the physical and environmental conditions
5 of the neighborhood district? No, I don't think it
6 does.

7 And then the last one, of course, is whether
8 it's self-created. But our code was designed to say the
9 consideration shall be relevant to the decision of the
10 ZBA, but shall not necessarily preclude the granting of
11 the area variance, and so I vote yes.

12 The variance is approved.

13 KAYLA KIBLING: Thank you.

14 CHAIRPERSON CORRIVEAU: You're welcome.

15 Okay. Now we move on to Bellew Avenue, and
16 we'll start with the request at 622, 268 Bellew Avenue.

17 This variance request is to increase the lot
18 coverage maximum in the industrial district. The zoning
19 ordinance calls for a 60 percent maximum, and the
20 applicant's submission shows they want to build out to
21 68 percent coverage.

22 So why don't you explain this to us.

23 CHRISTOPHER TODD: Chris Todd of Aubertine and
24 Currier here on behalf of Roth Industries.

25 What's being proposed here is a building

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1 addition project. It's actually two building additions
2 on the west portion of the existing building. The
3 property's located at 268 Bellew Ave and within the city
4 center industrial park, the industrial zoning district.
5 Like I mentioned, two building additions on the western
6 portion of the property, and the building additions that
7 are accommodating additional machinery.

8 To the west, there's also an expanded asphalt
9 storage area. That's to the southwest of the building
10 and north of the accessory storage building. That is to
11 accommodate additional products, storage area,
12 essentially. That area will be enclosed by chain-linked
13 fence, too.

14 There will also -- there's also a proposed
15 additional entrance drive along Rail Drive and expanded
16 the newer area south of the storage building, and that's
17 to help accommodate truck movements to get into the
18 loading dock. The trucks have a tough time getting in
19 there right now, and sometimes, they go backing down
20 into the grass. So it's really a safety issue and ease
21 of movement for the truck drivers to get into there for
22 the loading area.

23 In terms of stormwater treatment, we're
24 proposing additional impervious areas, so we're going to
25 be expanding the existing infiltration basins to help

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1 recreate the hydrology for the preexisting conditions.
2 There will also be some additional site lighting for the
3 storage area, and those are all fixtures.

4 The -- so this project -- this building has
5 been here for years now, and the pre-zoning, pre-2023
6 had no limits on the impervious coverage for the
7 industrial site. That 60 percent number came into
8 effect with the 2023 zoning.

9 CHAIRPERSON CORRIVEAU: Any questions from the
10 board members?

11 Adam?

12 MR. RUPPE: Well, I guess the two biggest
13 things that come to mind with any kind of paving is
14 stormwater management, which you talked about, but also
15 the heat island effect where it absorbs a lot more heat
16 than grass and trees and stuff like that.

17 Do you have any way to address that as well?

18 CHRISTOPHER TODD: A good portion of that will
19 be covered by products that aren't black asphalt. I
20 know a lot of times they do pavement because it's much
21 easier on their products, so it doesn't get scuffed up
22 by gravel and things like that. They just need a hard
23 surface to maneuver and safely protect their products
24 and still move them around. But a lot of the -- you'll
25 see in that area, a lot of the existing yard is covered

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1 by those plastic products.

2 MR. RUPPE: Okay.

3 CHRISTOPHER TODD: And the reason we need as
4 much area is just to -- they need it for equipment, more
5 room to store their products more safely.

6 MR. RUPPE: I see. Thank you.

7 CHAIRPERSON CORRIVEAU: Anthony?

8 MR. VASQUEZ: Yes. So if I'm interpreting
9 this correctly, there is -- there are changes being made
10 to accommodate the increased stormwater runoff in the
11 area?

12 CHRISTOPHER TODD: Correct. Yes, sir. We're
13 going to -- this project is definitely going to require
14 cement, too. It's going to be over 800 -- so we're
15 going to be required, per the state laws, to handle the
16 runoff, so there will be no increase leaving the site
17 for this additional asphalt.

18 MR. VASQUEZ: Okay. Thank you.

19 CHAIRPERSON CORRIVEAU: Lance?

20 MR. EVANS: Just for my own clarification,
21 when I drove by it, I couldn't quite figure it out, but
22 the two orange buildings -- portions there, that's the
23 new part that you're talking about or ...

24 CHRISTOPHER TODD: The brown hashed area,
25 those are the --

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1 MR. EVANS: Okay. Brown.

2 CHRISTOPHER TODD: Yeah, brown/orange.

3 MR. EVANS: Brown/orange.

4 CHRISTOPHER TODD: Those are the building
5 additions; correct.

6 MR. EVANS: The colored part?

7 CHRISTOPHER TODD: Uh-huh. Yes.

8 MR. EVANS: All right. That's what I was
9 figuring when I looked at it. Thank you.

10 CHAIRPERSON CORRIVEAU: I may have missed it,
11 but I didn't see any calculations in the package that
12 come up to a percentage. Was it in there?

13 MR. ALBINUS: It wasn't in there, but it was
14 just by hand.

15 CHRISTOPHER TODD: There's a table. That's --
16 I just added a table there for the required 60 percent.
17 We're proposing 68 percent.

18 CHAIRPERSON CORRIVEAU: Yeah. I mean, I'll
19 trust your math. I just didn't see it there.

20 And the square footage you used, could be
21 impervious, would that include what we're going to talk
22 about in the next variance, the parking?

23 CHRISTOPHER TODD: Correct. Yes.

24 CHAIRPERSON CORRIVEAU: It did, okay.

25 So it's the orange area up top for the hard

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1 stand for storage, as well as the parking, the truck
2 entrance, the building additions, all that?

3 CHRISTOPHER TODD: Yes. Well, any crushed
4 stone, we consider that as impervious as well. Crushed
5 stone, asphalt, we're all consider it as well.

6 CHAIRPERSON CORRIVEAU: Okay. That's all the
7 questions we've got for you.

8 Is there anybody else here from the public
9 that wants to comment on it?

10 Okay. Hearing none, let's have a motion to
11 close this portion of the public hearing.

12 MR. EVANS: So moved.

13 MR. VASQUEZ: Second.

14 CHAIRPERSON CORRIVEAU: All in favor?

15 MR. RUPPE: Yes.

16 MR. EVANS: Aye.

17 MR. VASQUEZ: Aye.

18 CHAIRPERSON CORRIVEAU: Aye. Okay. And --

19 MR. URDA: Because you have to consider the
20 whole action of both variances when you do the SEQR, I
21 would recommend discussing the other variance prior to
22 the SEQR.

23 CHAIRPERSON CORRIVEAU: So we'll defer for a
24 few minutes to the actual vote and to the SEQR form and
25 move on to --

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1 MR. FRATESCHI: I just had one quick question
2 for planning. Is there going to be -- I realize a lot
3 of this is existing and we're just talking about
4 existing things.

5 Is there a mention of a site plan?

6 MR. URDA: Yes. They will have to submit for
7 site plan approval.

8 MR. FRATESCHI: All right. So if the board is
9 going to consider granting the variances tonight, I
10 would condition it on the eventual site plan approval.

11 CHAIRPERSON CORRIVEAU: Okay. So let's put
12 that in abeyance, then, and we'll move on to the 623,
13 Bellew Ave. This is a variance for the front yard
14 parking in an industrial district.

15 The zoning ordinance prohibits front yard
16 parking in a variance [sic] district, and the
17 applicant's variance submission describes ten additional
18 parking spaces.

19 The applicant's written submission is stated
20 as an area variance request. It's actually a use
21 variance. And if the applicant concurs, I would like to
22 ask the applicant to present tonight as a use variance.
23 We'll discuss it as such and maybe vote on it tonight,
24 if that works for you.

25 CHRISTOPHER TODD: Very good. We agree.

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1 CHAIRPERSON CORRIVEAU: Okay. Why don't you
2 move on and tell us about it.

3 CHRISTOPHER TODD: So this is a similar
4 situation. It's an impervious coverage. Pre-2023,
5 light industrial districts had no parking -- or light
6 commercial district had no requirements for front
7 parking. They were allowed anywhere you want to, and if
8 you look at what Renzi -- any -- any building business
9 in the CCIP, they all have front parking.

10 The other aspect of it, too, this facility has
11 three streets. There's three front yards. I believe
12 that's how -- there's not any feasible areas, really, to
13 accommodate the front parking that doesn't interfere
14 with the industrial operations or shipping operations.
15 The drives along Rail Drive are for shipping, and any
16 area within the chain-linked fence, that's where the
17 industrial products are stored. Forklifts are driving
18 around constantly.

19 It would be certainly challenging to change
20 the -- how the applicant would have to do their
21 industrial practices, basically, to include parking in
22 the chain-linked fence area.

23 CHAIRPERSON CORRIVEAU: Okay. Just for the
24 board's education, if I could ask you, Joe, to explain
25 to us the difference between the use variance and the

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1 area variance and the standards that apply to both and
2 how we should be looking at this.

3 MR. ALBINUS: For an -- for an area variance,
4 it's something that is -- the use is already allowed.
5 It's just where it is that isn't allow. And it's the --
6 you don't have to -- to my knowledge, you have more
7 leeway on the hardship test versus a use variance is
8 something that is not allowed since, in our zoning
9 ordinance under Section 310.37A, we specifically
10 disallow front yard parking, except in the commercial
11 district or for driveway. That's -- since that, we
12 specifically called out, that's what makes it a use
13 variance instead of an area variance.

14 If we had something where it's like front yard
15 parking must be, like -- have a setback of like 30 feet
16 and -- but it was closer than 30 feet, then it would be
17 an area variance. But since this is front yard parking,
18 which is separate from regular parking, it is a use
19 variance.

20 CHAIRPERSON CORRIVEAU: Okay. Thanks.

21 MR. URDA: Chair, please, I'll just jump in
22 and add one more thing.

23 Section 310.99, which governs nonconforming
24 uses, specifically states that a nonconforming use that
25 exists at the time of the adoption of this chapter may

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1 be expanded within any portion of the existing structure
2 in which it is located. It shall be prohibited to
3 expand a nonconforming use beyond the area of the
4 existing structure in which the use is located unless
5 granted a use variance from the zoning board of appeals.

6 So in this case, it's the front yard parking,
7 the accessory front yard parking that's the
8 nonconforming use, and the zoning ordinance is very,
9 very, very clear that the expansion requires a use
10 variance from the zoning board of appeals.

11 CHAIRPERSON CORRIVEAU: Okay. That's pretty
12 clear.

13 Everyone on the board understand that?

14 MR. EVANS: I have a question for Geoff, then.

15 So the existing front yard parking was there,
16 so that's okay. But because they want to add on to that
17 parking lot?

18 MR. URDA: Correct. It's expanding a
19 grandfathered use. Expanding a grandfathered use
20 requires a use variance, the layman's terms of what I
21 just read.

22 MR. EVANS: Thank you.

23 CHRISTOPHER TODD: I would also like to add,
24 the employee entrance, where the front parking is right
25 now, that's kind of the thought process of adding on to

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1 that existing entrance to the parking there.

2 CHAIRPERSON CORRIVEAU: The whole notion of
3 front yards, I think of residential stuff primarily, but
4 every building's got a front yard by definition, I
5 suppose. You suggested maybe if you got three front
6 yards on three streets that you abut. I don't know that
7 the planning would agree with that. You can address the
8 front door over there on South Bellew.

9 MR. URDA: The zoning ordinance would treat
10 Bellew and Roundhouse both as front yards, so the east
11 and west. The Rail Drive side, the south side, would
12 still be a side yard.

13 CHAIRPERSON CORRIVEAU: Okay. The parking off
14 of -- what do you call it there -- the Roundhouse, it
15 may be a long walk to the front door.

16 CHRISTOPHER TODD: Yes.

17 CHAIRPERSON CORRIVEAU: It's also so with Rail
18 Drive. And when I -- I know the grandfathered situation
19 would be your existing parking exists at a number of
20 sites in the industrial park over there for obvious
21 reasons.

22 CHRISTOPHER TODD: Yeah. Absolutely.

23 CHAIRPERSON CORRIVEAU: But the zoning's
24 written the way it is, and that's what we've got to
25 wrestle with here.

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1 Okay. Is there anybody else from the public
2 that wants to speak to this one?

3 All right, then. If there are no further
4 questions from the board members, I would ask for a
5 motion to close this public hearing tonight.

6 MR. VASQUEZ: So moved.

7 CHAIRPERSON CORRIVEAU: Second?

8 MR. RUPPE: I'm not -- I'm not sure we should
9 close this because the use variance also includes that
10 reasonable return test, which is quite strict, and we
11 haven't heard from the applicant about the
12 dollars-and-cents yet. So, perhaps, we should keep it
13 open and table it to give them a chance to prepare for
14 that.

15 CHAIRPERSON CORRIVEAU: Is the applicant
16 prepared to talk through the four tests of a use
17 variance? We can keep it open to next month if you're
18 not. That's not a problem for us.

19 CHRISTOPHER TODD: Do you have a form for
20 them? I'm not sure if I am prepared. Are they similar
21 to the area variance?

22 CHAIRPERSON CORRIVEAU: No. They're very
23 different.

24 MR. URDA: I can get them on the screen.

25 MR. FRATESCHI: I just want to clarify, too.

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1 So the burden of proof is different for a use variance
2 than it is for an area variance.

3 The area variance test, it's a balancing test.
4 So it can meet some of the factors. You may not have --
5 you may meet some of the factors; you may not meet some
6 of the other factors. But at the end of the day, you
7 still could get the area variance.

8 Under the use variance test, the applicant has
9 to meet all the factors in order to get the use
10 variance. So I think it would probably be a good idea
11 to give the applicant an opportunity to make their case
12 under each of the factors.

13 CHAIRPERSON CORRIVEAU: Yeah. I tend to
14 agree. I mean, on one hand, we like to move things
15 forward and close things out when we have an
16 opportunity, but on the other hand, I want to give you,
17 the applicant, a fair shot. And you just asked me what
18 the difference was in the standards --

19 CHRISTOPHER TODD: Yeah, yeah.

20 CHAIRPERSON CORRIVEAU: -- the five in the
21 area variance and the four in the use variance. All
22 four of those have to be met explicitly. You want to
23 have some time to do your homework, so we'll keep this
24 open till next month.

25 CHRISTOPHER TODD: Okay.

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1 MR. URDA: It is up to the board's discretion.
2 You could still do the SEQR, and you could still vote on
3 the earlier variance. That's your discretion.

4 CHAIRPERSON CORRIVEAU: We'll do that.

5 MR. EVANS: Because the variances are mutually
6 exclusive sort of. I mean, I realize that it's going to
7 increase the number of employees. They've got to put
8 them somewhere, but ...

9 MR. URDA: As long as you consider the
10 environmental impact of the use variance, if granted,
11 then you're still considering a whole action, you can
12 still vote on the -- the area variance tonight.

13 CHAIRPERSON CORRIVEAU: So let's do that.
14 Let's go through the SEQR. So the SEQR is going to
15 apply to both variances, 622 and 623.

16 Will the proposed actions create a material
17 conflict with an adopted land use plan or zoning
18 regulations?

19 MR. EVANS: Small.

20 MR. VASQUEZ: Yes, small.

21 MR. EVANS: It's, no small.

22 MR. VASQUEZ: Oh.

23 MR. EVANS: No, small.

24 CHAIRPERSON CORRIVEAU: Will the proposed
25 action result in a change in the use or intensity of the

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1 use of land?

2 MR. RUPPE: Maybe.

3 CHAIRPERSON CORRIVEAU: I think it's hard to
4 say no to that. I mean, you're building more square
5 footage of buildings.

6 MR. RUPPE: Yeah. It's a small impact or a
7 moderate to large impact, and you're looking at the
8 variance by itself -- just the increased lot coverage, I
9 think we could say it would be a small impact of use
10 because they're already using that for storage space,
11 and they're just really paving that over. So I feel
12 like we can say small on that.

13 MR. EVANS: I'd agree.

14 MR. VASQUEZ: I would agree.

15 CHAIRPERSON CORRIVEAU: Will the proposed
16 action impair the character or quality of the existing
17 community?

18 MR. EVANS: No.

19 MR. VASQUEZ: No.

20 CHAIRPERSON CORRIVEAU: Will the proposed
21 action have an impact on the environmental
22 characteristics that cause the establishment of a
23 critical environmental area? No.

24 MR. RUPPE: There is no critical environmental
25 area.

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1 CHAIRPERSON CORRIVEAU: No.

2 Will the proposed action result in an adverse
3 change in the existing level of traffic or affect
4 existing infrastructure for mass transit, biking, or
5 walkway?

6 MR. RUPPE: No.

7 MR. VASQUEZ: No.

8 CHAIRPERSON CORRIVEAU: Will the proposed
9 action cause an increase in the use of energy, and it
10 fails to incorporate reasonably available energy
11 conservation or renewable energy opportunities?

12 MR. VASQUEZ: No.

13 MR. RUPPE: No.

14 MR. EVANS: I think it will increase the use
15 of energy, but I don't think it fails to incorporate.

16 CHAIRPERSON CORRIVEAU: Will the proposed
17 action impact existing public/private water supplies?
18 Public/private wastewater treatment facilities?

19 MR. EVANS: Some?

20 MR. VASQUEZ: Small.

21 MR. RUPPE: Small.

22 CHAIRPERSON CORRIVEAU: Will the proposed
23 action impair the character or quality of important
24 historic, archaeological, architectural, or aesthetic
25 resources?

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1 MR. VASQUEZ: No.

2 MR. EVANS: No.

3 MR. RUPPE: No.

4 CHAIRPERSON CORRIVEAU: Will the proposed
5 action result in an adverse change to natural resources:
6 Wetlands, waterbodies, groundwater, air quality, flora,
7 and fauna?

8 MR. EVANS: No.

9 CHAIRPERSON CORRIVEAU: No.
10 Will the proposed action result in an increase
11 in the potential for erosion, flooding, or drainage
12 problems?

13 MR. VASQUEZ: No.

14 MR. EVANS: No.

15 MR. RUPPE: It might, but they're doing some
16 paving then.

17 CHAIRPERSON CORRIVEAU: That comes up in the
18 site plan review and compliance will cover in all that.

19 Will the proposed action create a hazard to
20 environmental resources or human health?

21 MR. RUPPE: No.

22 MR. VASQUEZ: No.

23 CHAIRPERSON CORRIVEAU: All right. So I'd ask
24 for a motion and a second to make a negative declaration
25 on the SEQR here for these two variances.

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1 MR. EVANS: So moved.

2 MR. VASQUEZ: Second.

3 CHAIRPERSON CORRIVEAU: All in favor?

4 MR. VASQUEZ: Aye.

5 MR. RUPPE: Yes.

6 CHAIRPERSON CORRIVEAU: All right. It's good.

7 And we will keep the public hearing open till
8 next month and revisit it as a use variance.

9 You're welcome to submit more materials, and
10 the package, which you've already submitted, remains in
11 the record. But there clearly was some confusion going
12 in here whether it was a use or an area --

13 CHRISTOPHER TODD: Sure.

14 CHAIRPERSON CORRIVEAU: -- and that's
15 understandable. And we'll clear that up next month and
16 wait to see how you meet those four tests.

17 CHRISTOPHER TODD: Yeah. Will there be a vote
18 for the area variance tonight?

19 CHAIRPERSON CORRIVEAU: Yes, yes.

20 MR. URDA: I would say, this is your chance to
21 ask questions about those four hardship tests while
22 you've got us all here.

23 CHRISTOPHER TODD: Yeah. I mean, I'll do some
24 research. I don't know. I'd like to take a look at the
25 packet myself.

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1 CHAIRPERSON CORRIVEAU: Yeah. It's all plain
2 English, but there is a fair amount of work involved in
3 it to prove the reasonable return and --

4 CHRISTOPHER TODD: The reasonable returns is
5 the one I'm --

6 CHAIRPERSON CORRIVEAU: And then the second
7 one is a challenge as well. We're looking at the
8 property and what's allowed in the industrial district.

9 CHRISTOPHER TODD: Yeah.

10 CHAIRPERSON CORRIVEAU: And you've got to come
11 in and make a case that it's a hardship. If you don't
12 do it for parking, but there are other uses that are
13 allowed.

14 CHRISTOPHER TODD: Mm-hmm.

15 CHAIRPERSON CORRIVEAU: This is all stuff
16 ground in the state law and it's in our code.

17 CHRISTOPHER TODD: Yep.

18 CHAIRPERSON CORRIVEAU: Okay. So let's take a
19 vote on 622, the area variance for adding all the square
20 footage of impervious surface.

21 Adam?

22 MR. EVANS: We'll go through the five tests.

23 Is there an undesirable change in the
24 neighborhood? And no. I think this is a desirable
25 change. I'm happy to see an increase in business and

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1 growth in the industrial area.

2 Whether the benefit can be solved by some
3 other method, we talked about how the hardship is --
4 basically this will make it a lot easier, so that sounds
5 like the area variance is your best chance.

6 Is it substantial? Numerically, we're not
7 that bad.

8 Will it have an adverse affect on the
9 conditions of the neighborhood or district? No.

10 And then is it self-created? In a sense, it
11 is because it's usually here in the city, but, again, I
12 think that's what we -- we're happy to see, so I'm
13 inclined to vote yes.

14 CHAIRPERSON CORRIVEAU: Anthony?

15 MR. VASQUEZ: Yes.

16 So given that this parcel is located in the
17 city center industrial park, I am in agreement that
18 these additions and the expanded asphalt are consistent
19 with the character of the neighborhood. It does not
20 change the character of the neighborhood in any way, and
21 there are limited environmental impacts. Therefore, I
22 am in favor.

23 CHAIRPERSON CORRIVEAU: And, Lance?

24 MR. EVANS: I agree with the answers "no" to
25 the first four questions. Being locked in on your site

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1 by other businesses and the road, this is probably the
2 best solution for what you're trying to achieve.

3 I do believe this is a self-created hardship.
4 And I'm getting a little tired of people coming in
5 saying, well, it wasn't this way before 2023, so it's
6 not self-created, because it is three and a half years
7 later and all the projects fall under that. It's not
8 like this is March of '23 or something like that.

9 Nevertheless, I vote yes on the variance. And
10 I'm encouraged to see the environmental lighting aspects
11 of the plan and compliment Roth and you on those.

12 CHAIRPERSON CORRIVEAU: And I'll vote as well
13 for all the reasons you've already heard. The variance
14 is approved, and we'll talk next month about the other.

15 CHRISTOPHER TODD: Sounds good. Thank you.

16 CHAIRPERSON CORRIVEAU: At this point, I'd
17 like to close the meeting by asking for a motion and a
18 second.

19 MR. VASQUEZ: So moved.

20 MR. RUPPE: Second.

21 CHAIRPERSON CORRIVEAU: All in favor?

22 MR. EVANS: Yes.

23 CHAIRPERSON CORRIVEAU: Aye. The meeting's
24 adjourned.

25 *(Proceedings concluded.)*

C E R T I F I C A T I O N

I, TIFFANY-JO PONCE, RPR, Court Reporter
and Notary Public in and for the State of New York, DO
HEREBY CERTIFY that I attended the foregoing
proceedings, took stenographic notes of the same, that
the foregoing is a true and correct copy of same and the
whole.



TIFFANY-JO PONCE, RPR
Court Reporter

Dated: July 30, 2026